Docket JP920020187US1

Appl. No.: 10/720,894
Filed: 11/24/2003

REMARKS

This is a reply to a first Office action.

Rejections Under 35 U.S.C. 112

Claims 6 and 10 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant herein above submits amendments to claim 6 and 10 to overcome the rejection. Note that regarding "the global measure of complexity" in line 1 of claim 10, this refers to a complexity for a series of actions, as described in paragraph 100 of the published application. Accordingly, the claims is amended to state that "a plurality of series of actions exist for performing the defined task, each of the series of actions having a corresponding complexity, and the method further comprises the step of: performing the defined task by executing a selected one of the series of actions, wherein the complexity of the selected series of tasks is less than the complexities of the other series of tasks of the plurality of series of tasks."

Rejections Under 35 U.S.C. 101

Claims 1-14 stand rejected under 35 U.S.C. 101 on grounds that the claimed invention is directed to non-statutory subject matter. Applicant herein submits amendments to overcome the rejection.

Claims 1-10 are held to recite a useful and concrete result, but not a result that is tangible. Applicant thanks Examiner for the helpful guidance and herein amends claim 1 to recite a tangible aspect of the recited result, i.e., an aspect having a real world impact or availability for use outside of the computer system, wherein the result of the determining is presented in a fashion that can be used. In particular, Applicant amends claim 1 to include the step of "presenting a report of the complexity measures associated with performing the task." No new matter is presented, since the original application provides support for this step. See published application, paragraphs 0006 and 0007 (regarding software agents Jack and Jill jointly preparing a final report to be submitted to network administrator).

Regarding claims 11 and 12, the Office action holds that the recited "medium" could be a mere transmission signal, based on an interpretation of teaching in the published application, paragraph 149, in which the computer software program stored in a computer system is accessed by other computer systems from the Internet. That is, the Office action assumes that since

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Internet access is taught, it follows that Applicant's use of the term "medium" necessarily implies a mere transmission signal.

Applicant disagrees that the term "medium" should be construed as including a transmission signal, in view of the specification. Nevertheless, Applicant herein amends claims 11 and 12 to overcome the rejection by reciting "storage medium," instead of merely "medium." Note that paragraph 0149 of the application states "The computer software may be recorded on a portable storage medium, in which case, the computer software program is accessed by the computer system 600 from the storage device 655." And paragraph 0146 states that "The storage device 655 can include a disk drive or any other suitable storage medium."

The Office action also holds that claims 11 and 12 also do not recite a tangible result. Applicant again thanks Examiner for the helpful guidance and herein amends claims 11 and 12 to recite tangible aspects of the recited results, wherein a result of determining is presented in a useable fashion, i.e., a report.

Regarding claims 13 and 14, the Office action holds that the recited system can be software alone, citing paragraph 0143 of the specification. To overcome the rejection, Applicant herein submits amended claims 13 and 14, which now recite a "processor" and "a storage device connected to the processor, wherein the storage device has stored thereon a program, wherein the processor is operative to execute instructions of the program to implement a method" that is recited.

Also, the Office action holds that claims 13 and 14 also do not produce a tangible result. Applicant again thanks Examiner for the helpful guidance and herein amends claims 13 and 14 to recite tangible aspects of the recited results, wherein a result of determining is presented in a fashion that can be used, i.e., a report.

Prior Art Rejections

Claims 1-5, 6, 9, 10-14 are rejected under 35 U.S.C 102 (b) as being anticipated by Patent no. US 6,330,583 B1 (Reiffin). Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiffin in view of Patent no. US 6,915,212 (Kamps). Applicant respectfully traverses.

Regarding claim 1, the Office action observes that Reiffin, col. 2 lines 26-33, and col. 5, lines 3-8, teaches a computer node or agent searches for an available subtask waiting in a queue,

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copies the subtask program, so that the program may be executed concurrently with a local task in the foreground and background. The Office action contends that this teaching anticipates "determining complexity measures associated with performing the task using different combinations of recipes for constituent actions of the task, based upon complexity measures of actions specified by respective combinations of available recipes," as recited in claim 1. Applicant respectfully disagrees.

Reiffin makes no mention or suggestion of "complexity measure." Reiffin mentions merely that a task is "compute-intensive." Even if a "compute-intensive" task is considered to be like a complex task, what *measure* of that complexity does Reiffin teach? The Office action cites none. Further, what measures of task complexity does Reiffin teach that are "determined . . . based upon complexity measures of actions specified by respective combinations of available recipes," as recited in claim 1? The Office action cites none. Applicant submits that there is no such teaching by Reiffin, nor even a suggestion of such teaching.

The Office action applies the same reasoning applies in the rejection of claims 11-14. However, claims 11-14 recite "determining complexity measures associated with performing the task . . . based upon complexity measures of actions specified by respective combinations of available recipes." Reiffin does not teach or suggest this.

Further, regarding claim 2, the Office action observes that Reiffin, col. 2 lines 19-33, and col. 4, line 64 to col. 5, line 8, teaches that a large compute-intensive task is partitioned into a plurality of smaller subtasks and stored. The Office action contends that this teaching anticipates "complexity measures for actions are defined in terms of the complexity measures of available recipes for performing the actions, and complexity measures for recipes are defined in terms of the complexity of the subactions of the recipe," as recited in claim 2. Applicant respectfully disagrees. Again, because Reiffin has no teaching or suggestion of "complexity measure," Reiffin clearly does not teach or suggest a specific way of defining complexity measures for actions and complexity measures for recipes. All the more certainly, Reiffin does not teach or suggest the specific way recited in the claim.

Further, regarding claim 3, the Office action observes that Reiffin, col. 5, lines 23-39, teaches determination of whether a local task needs to be executed during the next clock tick. The Office action contends that this teaching anticipates "determining predetermined complexity

measures for basic actions that are not specified by a recipe," as recited in claim 3. How does determining whether a local task needs to be executed during a next clock tick anticipate "determining predetermined complexity measures for basic actions that are not specified by a recipe," as recited in claim 3? One does not follow from the other, and the Office action gives no reason why it should.
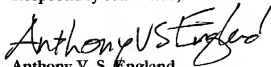
Regarding claim 3, the Office action also observes that Reiffin, col. 5, lines 55-62, teaches that the node (acting as an agent for the computer with the compute-intensive task) determines whether there is a network subtask that needs to be performed in the next timeslice. The Office action contends that this teaching anticipates "determining specified complexity measures for contracted actions that are performed by a different agent," as recited in claim 3. Again, there is no teaching or suggestion by Reiffin that the node determines a complexity measure.

Likewise, the Office actions cite teachings by Reiffin that do not teach or suggest what is recited in claims 4-6, since the claims recite aspects of the method that concern complexity measures but cited teachings of Reiffin do not teach or suggest a complexity measure.

REQUESTED ACTION

Applicant submits that the rejections under 35 USC 101 and 112 are overcome by the amendments submitted herein above. For the reasons explained herein above, Applicant submits that claims 1-6 and 9-14 are allowable over the cited art. Applicant submits that claims 7 and 8 are allowable at least because they depend on allowable claims. Applicant requests that Examiner grant allowance and prompt passage of the application to issuance.

Respectfully submitted,

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